

6.0 AGENCIES AND PERSONS CONSULTED

The following federal, state, and local agencies/offices were contacted by letter in May 2003 to solicit comments, concerns, and additional information pertaining to permits or approvals regarding the construction of a transmission line within the study area. A map of the study area was included with each letter. A list of agencies/officials who were contacted, a sample letter, and study area map are included in Appendix A.

- Texas Department of Transportation (TxDOT), Division of Aviation
- Texas Department of Transportation (TxDOT), Division of Environmental Affairs
- Texas Historical Commission (THC)
- Texas Parks and Wildlife Department (TPWD)
- Texas Biological and Conservation Data System (TXBCD)
- Texas Water Development Board (TWDB)
- Federal Aviation Administration (FAA)
- Federal Emergency Management Agency (FEMA)
- U.S. International Boundary and Water Commission (IBWC)
- National Park Service (NPS)
- Natural Resources Conservation Service (NRCS)
- U.S. Army Corps of Engineers (USACE), Galveston District
- U.S. Environmental Protection Agency (EPA), Region 6
- U.S. Fish and Wildlife Service (FWS), Ecological Services Field Office
- U.S. Fish and Wildlife Service (FWS), Lower Rio Grande Valley NWR
- City of Mission Planning Department
- Hidalgo County Judge
- Hidalgo County Commissioners (precincts 2 and 3)
- Lower Rio Grande Valley Development Council
- City of Mission Officials
- Mission Economic Development Association
- City of McAllen Officials
- McAllen Economic Development Corporation
- Frontera Audubon Society
- Sierra Club, Lower Rio Grande Valley Chapter
- Friends of the Wildlife Corridor
- Nature Conservancy of Texas, South Texas Office

As of the date of this report, written responses have been received from the following agencies/offices. Copies of all responses received are included in Appendix A. The concerns noted in the following agency comments are addressed in the appropriate subsections of Section 4.0 of this document.

The FEMA requested that the local Floodplain Administrator be contacted regarding the proper permits if any work is within a Special Flood Hazard Area.

The FAA was unaware of any particular environmental concerns or other relative matters that would require FAA involvement. They did, however, enclose FAA Form 7460-1 (Notice of Proposed Construction or Alteration) for review in the event that the proposed transmission line meets the criteria established under FAR Part 77.

The TPWD noted that the most sensitive wildlife habitats within the study area are mature native brush areas, the Bentsen Rio Grande Valley State Park, and units of the LRGV NWR, and that alternative route analysis should include specific planning considerations to avoid these areas. They also noted that additional planning considerations should include following existing ROWs; spanning drainage crossings at the narrowest points; avoiding being adjacent to and paralleling drainages; avoiding complete vegetation removal within the ROW if possible; and routing the line through non-native grasslands or pastures or previously disturbed areas.

The IBWC stated that the information provided in the letter was not sufficient to determine what effects the project might have on their Lower Rio Grande Flood Control Project (LRGFCP) and whether environmental or international impacts might occur. They also provided information for consideration in the preparation of environmental documentation for the proposed project. The IBWC would be opposed to any structure placed within the levee containment area that would reduce the design flood capacity of the international LRGFCP in the project vicinity. They noted that a license from the IBWC would be required for crossing or encroaching upon the LRGFCP. The IBWC provided information on an existing agreement between the IBWC and the FWS regarding a vegetated wildlife travel corridor along the Rio Grande. They also provided information on the criteria for levee crossing.

The TxDOT, Division of Aviation, stated that the FAA should be contacted if either of the following criteria applies: 1) if any construction or alteration obstructs a slope of 0.3 m (1 ft) of vertical height for each 30.5 m (100 ft) of horizontal distance out to a total distance of 6,096 m (20,000 ft) from the nearest point on any runway at a public-use airport with at least one runway, existing or planned, more than 975.4 m (3,200 ft) in length; or 2) any construction or alteration of more than 61 m (200 ft) above the surface of the ground. TxDOT stated that three public-use airports occur in Hidalgo County: Edinburg International Airport in Edinburg; Mid Valley Airport in Weslaco; and McAllen International Airport in McAllen. They further stated that nine private-use airports occur in the area: Putz in Mission; Moore near McCook; Norman and White near Edinburg; Cannon near Edcouch; Old Reb near Mercedes; Progreso in Progreso; Skalitsky near LaVilla; and Bell near Raymondville.

The FWS provided a list of nine federally listed/federal candidate species that have been recorded from Hidalgo County. They noted the importance of brush for wildlife in general and the ocelot and jaguarundi in particular. Because birds are protected under the MBTA, FWS recommended that brush-clearing activities be conducted outside the general nesting period of March through August. They also recommended that the lines be designed and constructed to prevent the electrocution of raptors, using guidelines in the publication entitled "Suggested Practices for Powerlines: State of the Art in 1981." FWS stated that the USACE should be contacted if it appears that the proposed construction plans could impact wetlands. They provided a map of several tracts of the LRGV NWR in the vicinity of the project. Finally, FWS recommended that the least impact would be if the powerline went due south instead of east and then south.

The THC responded that because the area had a high potential for containing archaeological sites, that an archaeological survey be conducted. An archaeological survey was conducted by archeologists of the firm of PBS&J on 5-7 January 1999. The findings were presented to the SHPO and a clearance letter for the project was issued by the SHPO on 16 February 1999. This clearance letter is included as Appendix B.

The BIA, contacted by phone, stated that no federally recognized Indian tribes occur in this area of Texas.

The USACE stated that some of the alternative transmission line routes being evaluated lie in the 100-year floodplain and that impacts to the floodplain as a result of the project should be defined and a plan to mitigate for any negative impacts should be developed. They also stated that the Chief of the Evaluation Section should be contacted to determine whether Department of the Army permits are needed.